

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MILA R. MATTONE,

Plaintiff,

vs.

ERMA LYNETTE HAUSER, et al.,

Defendants.

CASE NO. 2:22-CV-4306

JUDGE:

MAGISTRATE JUDGE:

NOTICE OF REMOVAL

Now come Defendants, Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global and hereby timely file this removal pursuant to 28 U.S.C. Sections 1332, 1441 and 1446, removing this matter from the Court of Common Pleas, Belmont County, Ohio to the United States District Court for the Southern District of Ohio, Eastern Division, and in support thereof, state as follows:

1. This action was commenced by Plaintiff, Mila R. Mattone, on November 3, 2022 in the Belmont County Court of Common Pleas, Belmont County, Ohio as Case No. 22-CV-307. This matter was commenced against Defendants, Merx Global, Inc., Merx Global Logistics, Inc., Merx Global and Erma Lynette Hauser.

2. This Notice of Removal is brought by and on behalf of Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global.

3. Counsel for Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global has also been retained to represent Defendant, Erma Lynette Hauser. Defendant, Erma Lynette Hauser consents to removal of this case.

4. Attached hereto as Exhibits A through C are copies of all filings made in this matter in the Belmont County Court of Common Pleas:

- Exhibit A – Complaint
- Exhibit B – Summons on Complaint for Multiple Parties (issued to Erma Lynette Hauser, Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global)
- Exhibit C – Answer of Defendants Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global

5. Defendants, Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global were served with the Summons and Complaint on November 7, 2022.

6. This is a civil action for money damages. Plaintiff, Mila R. Mattone, is alleging that she sustained personal injuries as a result of a motor vehicle accident which allegedly occurred on I-70 in Belmont County, Ohio, on or about October 14, 2021. Plaintiff, Mila R. Mattone, specifically alleges that a motor vehicle that she was operating was involved in a motor vehicle accident with a tractor-trailer being operated by Defendant, Erma Lynette Hauser.

7. Plaintiff, Mila R. Mattone, alleges that she sustained severe and traumatic pain and personal injuries in the motor vehicle accident of October 14, 2021 including, but not limited to, injuries to her knee, left leg, left eye, left foot/ankle, head, hip and other parts of her body.

8. Plaintiff seeks recovery in this matter for physical pain, mental and emotional anguish, permanent and substantial physical deformity, disfigurement, a permanent physical function injury, past medical bills in an unspecified amount, future medical bills in an unspecified

amount, lost wages in an unspecified amount and unspecified amounts for pre-judgment interest, post-judgment interest and attorneys' fees.

9. Plaintiff's Complaint seeks recovery of a judgment against Defendants in an unspecified amount in excess of \$25,000.00 for compensatory damages as well as a judgment in an unspecified amount in excess of \$25,000.00 for punitive damages.

10. Counsel for Defendants has made an effort to communicate with Plaintiff's counsel to determine whether Plaintiff would stipulate that the damages being sought in this matter are for an amount of \$75,000.00 or less. Specifically, Defendants' counsel Bradley A. Wright sent email correspondence to Plaintiff's counsel on November 22, 2022 to inquire regarding whether Plaintiff was willing to stipulate that the damages being sought in this case were \$75,000.00 or less but Plaintiff's counsel has failed to respond to that inquiry. Additionally, Defendants' counsel, Bradley L. Snyder, sent further email correspondence to Plaintiff's counsel on December 2, 2022, again inquiring as to whether Plaintiff was willing to stipulate that the claimed damages were \$75,000.00 or less. That correspondence indicated an intention to remove the case to Federal Court if Plaintiff was not willing to enter into such a stipulation. No response has been received from Plaintiff's counsel to that email correspondence of December 2, 2022. Lastly, on December 2, 2022, Defendants' counsel, Bradley L. Snyder, attempted to contact both of Plaintiff's counsel, James Bordas and Justin Selep, by telephone and left a message for them, but they have not returned that call.

11. Based on the information set forth in Plaintiff's Complaint, as well as the failure of Plaintiff's counsel to agree to a stipulation regarding Plaintiff's claimed damages, the amount in controversy in this case is believed to exceed the amount of \$75,000.00.

12. This case is removable to Federal Court pursuant to 28 U.S.C., Sections 1332 and 1441, because it is a civil action where the amount in controversy exceeds the value of \$75,000.00, inclusive of interests and costs, and is between citizens of different states.

13. Plaintiff, Mila R. Mattone, is a resident of the state of Ohio, according to the address set forth for her in Plaintiff's Complaint.

14. Defendant, Erma Lynette Hauser, is a resident of the state of Florida, as confirmed by the address for her set forth in Plaintiff's Complaint.

15. Defendant, Merx Global, Inc., is a foreign corporation that is incorporated in the state of Illinois and has its principal place of business in the state of Illinois.

16. Defendant, Merx Global Logistics, Inc., is a foreign corporation that is incorporated in the state of Illinois and has its principal place of business in the state of Illinois.

17. Defendant, Merx Global, is a D/B/A for Merx Global, Inc. and/or Merx Global Logistics, Inc., and as such, has its principal place of business in the state of Illinois.

18. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1332. This action may be removed to this Court pursuant to 28 U.S.C. Section 1441(a).

19. This matter is promptly removed by Defendants, Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global, as this Notice of Removal is being filed and served within thirty (30) days of the date that these Defendants were served with the Summons and Complaint.

20. Defendant, Erma Lynette Hauser, is represented by the undersigned and has consented to removal of this matter.

21. Defendants have paid all fees required by law in connection with this Notice of Removal.

22. Written notice of the filing of this Notice of Removal will be given to counsel for all parties and the Belmont County Court of Common Pleas.

WHEREFORE, Defendants, Merx Global, Inc., Merx Global Logistics, Inc. and Merx Global, hereby remove this action now pending against them from the Belmont County Court of Common Pleas to United States District Court for the Southern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Bradley L. Snyder

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Consented by:

/s/ Bradley L. Snyder

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*Attorney for Defendant, Erma Lynette
Hauser*

CERTIFICATE OF SERVICE

A copy of the foregoing was served on December 6, 2022 pursuant to Civ.R. 5(B)(2)(f) by
sending it by electronic means to the email addresses identified below:

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/s/ Bradley L. Snyder

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